

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton; and
Nanci E. Langley

Stamford Post Office
Stamford, Connecticut

Docket No. A2014-1

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued October 23, 2013)

Notice is hereby given that, on October 17, 2013, the Commission posted an appeal on its website concerning the Postal Service's closure of the Stamford post office in Stamford, Connecticut.¹ The Petition was filed on behalf of Kaysay Abrha (Petitioner). The Petition includes a request to suspend the closure pending the outcome of this appeal.

The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2014-1 to consider Petitioner's appeal and request to suspend the closure of the Stamford post office. Petitioner may further explain his position with

¹ See Petition for Review and Application for Suspension, October 17, 2013 (Petition). The Petition is postmarked September 30, 2013.

supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than November 18, 2013.

Categories of issues apparently raised. Petitioner contends that the Postal Service's decision to close the Stamford post office was (1) without observance of procedures required by law (see 39 U.S.C. § 404(d)(5)(B)); and (2) unsupported by substantial evidence on the record (see 39 U.S.C. § 404(d)(5)(C)).

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is October 28, 2013. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is October 28, 2013.²

Application for suspension of determination. The Petition requests suspension of the Stamford post office closing and its reopening until the outcome of the appeal. See 39 C.F.R. § 3025.30. Commission rules allow for the Postal Service to file an answer to such application within 10 days after the application is filed. The Postal Service answer to the request is due no later than October 28, 2013.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in

² An additional pleading, styled as a Participant Statement, was submitted by the National Post Office Collaborate (NPOC). In that pleading, NPOC "appeals the Postal Service's closing of the Stamford, Connecticut Post Office,...." Participant Statement, October 17, 2013, at 1. The pleading does not qualify as a Petition for Review under the Commission's rules because it does not identify, as required by 39 C.F.R. § 3025.10(b), any person(s) served by the Stamford post office. See 39 U.S.C. § 404(d)(5). Instead, NPOC filed the putative appeal on behalf of its members, including "local postal patrons". *Id.* at 1. Rule 3025.10(b) requires that the Petition for Review state that "the person(s) submitting it is/are served by the post office that the Postal Service has decided to close or consolidate." The petition should also include the names and addresses of the petitioners. Commission rule 3025.14 permits participation by others, including any interested person. Since NPOC would be permitted to submit comments in this proceeding pursuant to this rule, rather than return the appeal to NPOC as deficient, the Commission will post it as comments filed in this docket pursuant to rule 3025.14.

electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at *prc-webmaster@prc.gov*.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, *http://www.prc.gov*, or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than the Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before November 18, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

It is ordered:

1. The Postal Service answer to the application for suspension is due no later than October 28, 2013.
2. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than October 28, 2013.
3. Any responsive pleading by the Postal Service to this Notice is due no later than October 28, 2013.
4. The attached Procedural Schedule is hereby adopted.
5. Pursuant to 39 U.S.C. § 505, Tracy N. Ferguson is designated an officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Ruth Ann Abrams
Acting Secretary

PROCEDURAL SCHEDULE

September 30, 2013	Filing of Appeal
October 28, 2013	Deadline for the Postal Service to file answer responding to application for suspension (see 39 C.F.R. § 3025.30)
October 28, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
October 28, 2013	Deadline for the Postal Service to file any responsive pleading
November 18, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
December 2, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
December 12, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
January 28, 2014	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))